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SUBJECT: AS JUDICIARY FINALLY SEPARATES, ERSHAD CASE ENDS
WITHOUT MORE JAIL TIME

11. (SBU) On January 17, Jatiya Party president Ershad confirmed to us that a district court has ruled that his time served has fully satisfied the sentence he received for his conviction in the Japanese boat purchase corruption case. Ershad, who ruled Bangladesh from 1982 to 1990 as a military dictator, is therefore not subject to renewed incarceration in this case. After years of appeal, Ershad said, he has finally received justice.

12. (SBU) Attorney General Muhammad Ali told us the lower court exceeded its authority in making this determination, but doubted the government would pursue the matter since it comes on the heels of President Ahmed's actions last night formally separating the judiciary from the executive.

13. (SBU) Separation of the judiciary comes after five years of foot-dragging by the previous Bangladesh Nationalist Party government. The next step towards implementation is an amendment of the Criminal Procedure Code, either by parliament or a presidential ordinance. Once separation is fully achieved, the magistrates who now fall under executive branch control will come under the authority of the Supreme Court. The lower courts will also become independent.

14. (SBU) Comment: Ershad still has approximately one dozen corruption cases hanging over his head, but the latest ruling apparently frees him to be a candidate in parliamentary elections -- at least until his next anticipated corruption case hearing in about ten days. Separation of the judiciary is a long sought reform widely viewed as crucial to improved governance and a depoliticized judiciary. By acting again where the previous Caretaker Government had failed to tread, the new regime has made a strong statement about its independence and commitment to change.

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